

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL YOUNG,

Petitioner,

vs.

WARDEN TERRY TIBBALS,

Respondent.

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CASE NO. 1:11-CV-0386

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 23, 2011, Petitioner Michael Young filed a petition for a writ of habeas corpus under [28 U.S.C. § 2254](#). The matter was referred to Magistrate Judge Greg White pursuant to Local Rule 72.2. On April 25, 2012, Magistrate Judge White issued a Report and Recommendation recommending that the Court dismiss the petition because Young's insufficient evidence, due process, and ineffective assistance of counsel claims fail on the merits. [Doc. [12](#)].

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court

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may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, Petitioner Young has not objected to the Report and Recommendation. Moreover, having conducted its own review of the record and the parties' briefs, the Court agrees with the recommendation of Magistrate Judge White that the petition should be dismissed. In the end, all of Young's grounds for relief fail on the merits: Young's conviction for drug trafficking was supported by sufficient evidence; the Police Officers had a reasonable suspicion to justify stopping and investigating Young; and Young's counsel did not render ineffective assistance.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and **DENIES** Young's petition for a writ of habeas corpus. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: August 6, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE